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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/543,782	04/06/2000	D. Zucker-Franklin	ZUCKER-FRANKLIN=1A	8307

1444 7590 05/29/2003

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EXAMINER

STRZELECKA, TERESA E

ART UNIT	PAPER NUMBER
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1637

DATE MAILED: 05/29/2003

21

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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Commissioner for Patents

1. The reply filed on march 17, 2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): 1) amendment to claim 14 changes its scope and introduces new grounds for rejection (see explanation below), 2) Applicants did not remedy the problem of a lack of priority statement in the first paragraph of the specification, 3) changes to drawings present problems (see explanation below). See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).
2. The amendment to claim 14 changes the scope of the claim and presents new grounds for rejection, therefore it will not be entered (see MPEP 714. 14 and 714.20 (C)).

714.14 Amendments After Allowance of All Claims

Under the decision in Ex parte Quayle, 25 USPQ 74, 1935 C.D. 11; 453 O.G. 213 (Comm'r Pat. 1935), after all claims in an application have been allowed the prosecution of the application on the merits is closed even though there may be outstanding formal objections which preclude fully closing the prosecution. Amendments touching the merits are treated in a manner similar to amendments after final rejection, though the prosecution may be continued as to the formal matters.

714.20 List of Amendments Entered in Part

To avoid confusion of the record the general rule prevails that an amendment should not be entered in part. As in the case of most other rules, the strict observance of its letter may sometimes work more harm than would result from its infraction, especially if the amendment in question is received at or near the end of the period for reply. Thus:

(C) In an application in which prosecution on the merits is closed, i.e., after the issuance of an Ex Parte Quayle action, where an amendment is presented curing the noted formal defect and adding one or more claims some or all of which are in the opinion of the examiner not patentable, or will require a further search, the amendment in such a case will be entered only as to the formal matter. Applicant has no right to have new claims considered or entered at this point in the prosecution.

No formal defects were found in claim 14 in the previous Office action, therefore the amendment cannot be entered.

3. Applicants added SEQ ID NO: 1-4 to Fig. 3A, 3B and 8. In Fig. 3B, there are four sequences: HTLV-I, 1, 2, and HTLV-II (from top to bottom). It is not clear from modified Figure 3B or its description which ID NO corresponds to sequence 1, and which to sequence 2, i.e., is SEQ ID NO: 3 equivalent to sequence 1 and SEQ ID NO: 4 equivalent to sequence 2?

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teresa E Strzelecka whose telephone number is (703) 306-5877. The examiner can normally be reached on M-F (8:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached at (703) 308-1119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4242 for regular communications and (703) 305-3014 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

May 27, 2003

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KENNETH R. HORLICK, PH.D

PRIMARY EXAMINER

5/28/03

Teresa E Strzelecka
Examiner
Art Unit: 1637